

Message Text

SECRET

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S E C R E T SANTIAGO 3146

STADIS////////////////////////////////

EO 11652: XGDS-1

TAGS: PLOS

SUBJECT: STRAITS DEBATE/COMMITTEE II

REF: GENEVA 3409

1. WE HAVE OBTAINED FROM SENIOR CHILEAN NAVY OFFICER COPY OF GOC POSITION PAPER ON STRAITS QUESTION DATED APRIL 28. PAPER WAS PREPARED IN REACTION TO "SECRET PROPOSAL DRAFTED BY UK, FIJI, ARGENTINA, AND OTHERS, AND MAY HAVE BEEN SUBSEQUENTLY DISTRIBUTED TO SOME OTHER DELEGATIONS. SEVERAL OF ITS POINTS WERE CONTAINED IN CHILE-CANADA-NORWAY AIDE-MEMOIRE (GENEVA 3116).

2. DOCUMENT NOTES CHILEAN AGREEMENT WITH SUCH PROVISIONS OF INTERNATIONAL LAW ON STRAITS AS 1956 REPORT OF INTERNATIONAL LAW COMMISSION, 1949 INTERNATIONAL COURT DECISION ON CORFU STRAITS, AND ARTICLE 16, NO. 4 OF 1958 GENEVA CONVENTION.

GOC DOES NOT PROPOSE TO CHANGE THESE PRECEDENTS, BUT CONSIDERS UK ET AL DRAFT DOES EXACTLY THAT AND IS "TOTALLY UNACCEPTABLE

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FOR CHILE." PARTICULAR CHILEAN IRE IS RAISED BY ADDITION OF

"NEW ELEMENT" TO ARTICLE 1, NO. 3 OF UK DRAFT INCLUDING IN FREE TRANSIT THOSE BODIES OF WATER "WHICH CONNECT A PART OF THE HIGH SEAS WITH A STATE WHICH BORDERS THE STRAIT."

3. DOCUMENT ALSO TAKES EXCEPTION TO FUZZY LANGUAGE IN ARTICLE 7 IN UK DRAFT WHICH, ACCORDING TO GOC DOCUMENT, COULD BE CONSTRUED TO INCLUDE BODIES OF WATER CLEARLY INCLUDED IN A STATE'S TERRITORIAL SEAL OR INTERNAL WATERS. MUCH THE SAME PROBLEM EXISTS, ACCORDING TO DOCUMENT, WITH PROPOSED DEFINITION OF STRAITS WHICH COULD BE CONSTRUED TO INCLUDE "GULLIES, CANALS, FIORDS, ETC."

4. DOCUMENT HAS AS ATTACHMENT ORIGINAL SPANISH TEXT OF MEMO (IN ENGLISH) HANDED TO DELEGATIONS OF UK, CANADA, AND NORWAY ON MAY 5. ALSO INCLUDED IS SPANISH TEXT OF ZEGERS MAY 1 SPEECH TO INFORMAL CONSULTATIVE GROUP ON STRAITS.

5. SOURCE OF GOC DOCUMENT TOLD DATT THAT GOC HAS TWO PRIME AREAS OF CONCERN. FIRST AND FOREMOST IS BEAGLE CHANNEL. GOC BELIEVES IT CANNOT AFFORD TO TAKE ANY POSITION IN LOS DISCUSSIONS WHICH COULD UNDERMINE ITS CASE WHILE BEAGLE IS IN ARBITRATION, ALTHOUGH GOC NOT CONFIDENT ITS POSITION ON BEAGLE WILL BE UPHELD BY ARBITRATOR. GOC CONSIDERS ITS AGREEMENT TO SOME ELEMENTS OF UK ET AL DRAFT WOULD INDEED PREJUDICE GOC CASE ON BEAGLE (I.E. UK DEFINITION OF STRAITS.)

6. SECONDLY, AND CLOSELY RELATED, GOC IS PERTURBED THAT BODIES OF WATER WHICH IT CONSIDERS STRICTLY INTERNAL, AND NOT COMMONLY USED FOR INTERNATIONAL TRANSIT, WOULD SOMEHOW BECOME CLASSIFIED AS INTERNATIONAL WATERWAYS. CONFIGURATION OF CHILE'S PACIFIC COAST IN EXTREME SOUTH EXPLAINS THIS CONCERN.

7. GOC POSITION PAPER WITH ATTACHMENTS POUCHED TO D/LOS. POPPER

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